

Appl. No. 09/931,296
Amdt. dated September 8, 2004
Reply to Office action of June 8, 2004

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Remarks

Please reconsider the application in view of the above amendments and the following remarks. Applicants thank the Examiner for carefully considering this application.

Disposition of the Oath/Declaration

The Examiner stated that the declaration in the present application was defective. The declaration did not identify the mailing address of each inventor. Applicants file with this response an Application Data Sheet providing the mailing address of each inventor. The mailing address of each inventor is the resident address of each inventor listed in the initially filed declaration.

Disposition of the Specification

The Examiner objected to the Abstract because the second sentence was incomplete. Applicants have amended the Abstract to address the objection of the Examiner.

Disposition of Claims

Claims 1-28 are pending in this application. Claims 1, 10, 16, 22 and 28 are independent. The remaining claims depend, directly or indirectly, from Claims 1, 10, 16, 22 and 28. Applicants have amended claim 9 to address informalities raised by the Examiner. Applicants have amended claims 2, 8 and 11 to address rejections raised by the Examiner. Applicants have cancelled claims 5 and 12. In addition, Applicants' have amended claims 1, 10, 11, 13, 16, 22, and 28.

Claim Objections

Claim 9 was objected to because of 'said' should be 'a'. Applicant has amended this claim in accordance with the Examiner's instructions.

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Claim Rejection under 35 USC 112

Claims 2-5, 8 and 11 were rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctively claim the subject matter which the Applicants regard as the invention. Applicants have amended the cited claims to particularly point and distinctly claim the subject matter of the invention.

Claim Rejections under 35 USC 102(e)

Claims 1-28 are rejected under 35 USC 102(e) as being anticipated by Bentley et al (U.S. Patent No.: 6,341,291). The Examiner asserts that with regard to claims 1, 10, 11, 16, 17, 22, 23 and 28, Bentley discloses a program, method and system for maintaining, accessing and executing legacy computer software programs stored in a central location. Applicants respectfully traverse the Examiner's assertions.

Applicants' present invention describes a method and system for collecting, compiling and storing software program products that have been developed through out time. These programs are stored in a database in an executable form. Persons desiring to execute a program can access that program via the database and execute the program according the desires of the user. The types of software programs will include application programs, system programs and utility programs. As mentioned in the application specification, an objective of this invention is to provide a place where users can obtain and execute a software program that may no longer be commercially available. The programs stored in the database could be from a time during the initial development of the computer up to the present-day software programs. For example, a user may need to use a FORTRAN program from the 1970's. These programs are not commercially or readily available. Applicants' present invention could store a version of that program. A user would retrieve the executable version of the program and perform the desired activity with the program.

Each program stored in the database is a separate and independently operating program. Applicants submit that the use of the word 'version' in the specification was confusing. The software programs were described a version in that the programs are the same type of program originating from the same source. For example, WINDOWS 95,

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WINDOWS 98, WINDOWS 2000 AND WINDOWS 2002 are all WINDOWS operating systems. However, each program is a distinct product. In common conversational terms, each product is referred to as a version of the WINDOWS operating system. Another example of different versions as used in the present invention would be automobiles. There are different model years for a particular automobile. Each model year is a separate and distinct product. Although the automobiles may have the same name, they are distinguished by the model year.

Within the design process for an automobile, there are various design phases. Each design phase can also be described as a version of the design. Again, these intermediate iterations of the design are very different from the model year descriptions. In Bentley, the versions were intermediate iterations in the process for producing a final product. These versions in Bentley are similar to the intermediate automobile designs during a design process and not the various model years for the automobile. Bentley describes a system for storing engineering design data and models used during the development of a product. The system in Bentley enables users to retrieve various designs and track changes to the designs.

With regard to the Figure 10 of Bentley cited by the Examiner, the software programs in items 2 and 3 are systems programs that implement the functions of the process. These programs are analogous to the operating system programs 19 of Applicants' present invention. Bentley stores design models, which may be software. However, unlike Applicants' invention, these modes can be retrieved and modified. The chronological listing of these models serves to enable the designers to track design changes through the development of the product.

The objectives of the present invention are clearly different from those described in the Bentley system. The intention of the Bentley system is to keep a history of design changes in the development of a product. Applicants' invention compiles software products that have been developed and commercialized over a period of time. Any software history is incidental and not primary design. Contrary to the Examiner's assertions, Bentley does not comprise a database for storing software programs as described in Applicants' present invention. The stored programs of the present invention

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are executable software programs of software products that are or were commercially available. The data stored in Bentley are intermediate versions of design models that are used to track the design history of the product.

In view of the above, Applicants respectfully submit that the art of record anticipates Applicants' present invention as recited in each of Applicant's claims. Applicant further submits that all of the pending claims are in condition for allowance. Withdrawal of the rejections and passage to issuance is respectfully requested.

Applicant believes this reply to be fully responsive to all outstanding issues and place this application in condition for allowance. If this belief is incorrect, or other issues arise, do not hesitate to contact the undersigned at the below listed telephone number. Applicant has added two independent claims. However, Applicant has also withdrawn two independent claims from the application. The application as amended has the same number of independent claims as originally filed. As a result, there are no addition independent claims in the application. Therefore, Applicant submits that no addition fee is due. However, if any fee is due, please charge any fees due or any credits due to Deposit Account 09-4447 (Reference docket number AUS920010531US1).

Respectfully Submitted,



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Appendix A

Application Data Sheet

Application Information

Application Number: 09/931,296
Filing date: August 16, 2001
Application Type: Regular
Subject Matter: Utility
Suggested Classification: 707/1
Suggested Group Art Unit: 2171
Title: A method and system for storage,
retrieval and execution of legacy software

Attorney Docket Number: AUS920010531US1
Small Entity: No

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